

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
EVANSVILLE DIVISION

| | | |
|---|---|-------------------------------|
| BERNARD VON NOTHAUS, individually |) | |
| and d/b/a LIBERTY DOLLAR |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | Cause No. 3:07-cv-038-RLY-WGH |
| |) | |
| HENRY M. PAULSON, JR, Secretary of the |) | |
| Treasury, EDMOND C. MOY, Director, United |) | |
| States Mint, |) | |
| |) | |
| Defendants. |) | |

**DEFENDANTS' MOTION TO DISMISS PLAINTIFF'S AMENDED
COMPLAINT, OR IN THE ALTERNATIVE, FOR SUMMARY JUDGMENT**

The Defendants, Henry M. Paulson, Jr., Secretary of the Treasury, and Edmond C. Moy, Director, United States Mint (jointly "the United States"),¹ by counsel, Debra G. Richards, Assistant United States Attorney, respectfully request that the Court dismiss the Plaintiff's First Amended Complaint for lack of subject matter jurisdiction and failure to state a claim upon which relief can be granted pursuant to Federal Rules of Civil Procedure 12(b)(1), 12(b)(6), and 56. In support of this Motion, the United States files its Brief in Support of Defendants' Motion to Dismiss Plaintiff's Amended Complaint, or in the Alternative, for Summary Judgment contemporaneously herewith.

¹In his Amended Complaint, the Plaintiff has dropped any claims against the Attorney General of the United States of America; thus the Attorney General is no longer a party to this action. (See Amended Complaint ¶¶ 2, 3.) The Defendants specifically reserve the right to file additional dispositive motions as appropriate.

WHEREFORE, the United States respectfully requests that this Court dismiss the Plaintiff's First Amended Complaint pursuant to Federal Rules of Civil Procedure 12(b)(1), 12(b)(6), and 56 and for all such other relief as is just and proper herein.

Respectfully submitted,

TIMOTHY M. MORRISON
Acting United States Attorney

By: /s/ Debra G. Richards
Debra G. Richards
Assistant United States Attorney

CERTIFICATE OF SERVICE

I hereby certify that on November 7, 2007, a copy of the foregoing was filed electronically. Notice of this filing will be sent to the following parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

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